

TENTH DAY.

Senate Chamber,
Austin, Texas,
January 26, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.

Absent—Excused.

Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Russek.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Woodul:

S. J. R. No. 6, Proposing an amendment to Section 5 of Article 4 of the Constitution of the State of Texas, fixing the salary of the Governor; providing for its submission to the voters of the State of Texas as required by the Constitution, and making an appropriation therefor.

Read and referred to Committee on Constitutional Amendments.

By Senator Woodul:

S. J. R. No. 7, Proposing an amendment to Article IX of the Constitution of the State of Texas so as to authorize counties having cities of a population in excess of 200,000 inhabitants to adopt suitable charters providing for the government of such county, city and any or all governmental districts, municipal or

quasi-municipal, within such county, subject to such limitations as may be prescribed by the Legislature; providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

Read and referred to Committee on Constitutional Amendments.

By Senator Woodul:

S. J. R. No. 8, Proposing an amendment to Section 23 of Article IV of the Constitution of the State of Texas, fixing the salary of the Comptroller, Treasurer and the Commissioner of the General Land Office at Six Thousand (\$6,000.00) Dollars per annum; providing for its submission to the voters of the State as required by the Constitution, and making appropriation therefor.

Read and referred to Committee on Constitutional Amendments.

By Senator Woodul:

S. J. R. No. 9, Proposing an amendment to Section 22 of Article IV of the Constitution of the State of Texas, fixing the salary of the Attorney General at Ten Thousand (\$10,000.00) Dollars a year; providing for its submission to the voters of the State of Texas as required by the Constitution, and making appropriation therefor.

Read and referred to Committee on Constitutional Amendments.

By Senator Woodul:

S. J. R. No. 10, Proposing an amendment to the Constitution of the State of Texas, amending Sections 2 and 3 of Article V of the Constitution so as to provide for a Supreme Court of nine members; providing for its submission to the voters of the State of Texas as required by the Constitution, and making appropriation therefor.

Read and referred to Committee on Constitutional Amendments.

By Senators Moore and Russek:

S. B. No. 118, A bill to be entitled "An Act to amend Article 514, Revised Civil Statutes, as amended Acts Forty-first Legislature, First Called Session; and declaring an emergency.

Read and referred to Committee on Banks and Banking.

By Senator Poage:

S. B. No. 119, A bill to be entitled "An Act providing that the owner of real property may under certain cir-

cumstances tender same to the holder of liens thereon, providing the method whereby such tender may be made and to whom it shall be made; providing that the provisions of this Act shall be applicable to any obligor on notes secured by lien on real estate; providing that such tender may be plead and proved by the defendant in certain actions; providing that on the proof of such tender under certain circumstances the right of the courts to enter certain judgments and issue certain writs shall be suspended for a period of two years, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Fellbaum:

S. B. No. 120, A bill to be entitled "An Act to amend Article 5166, Chapter 5, Title 83 of the Revised Civil Statutes of Texas (1925) relating to the hours of labor."

Read and referred to Committee on Labor.

By Senator Woodul:

S. B. No. 121, A bill to be entitled "An Act amending Article 6881 of Title 120, Chapter 5, of the Revised Civil Statutes of the State of Texas, 1925, correcting the laws applying to bonds executed by constables and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Woodul:

S. B. No. 122, A bill to be entitled "An Act to amend Article 5238 of Title 84 Revised Civil Statutes of the States of Texas, 1925, relating to landlords' liens and extending the liens to include all property of any sub-tenant of the tenant in such residence, storehouse or other building and all property stored with or by such tenant or sub-tenant in such storehouse or other building which is used for commercial purposes, with the permission of the owner of such property; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Woodul:

S. B. No. 123, A bill to be entitled "An Act repealing Chapter 28 Acts of the Forty-second Legislature, Third Called Session, regulating the taking of fish and shrimp in East Galveston Bay; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Poage:

S. B. No. 124, A bill to be entitled "An Act to authorize cities and towns to exercise the rights and enjoy privileges and immunities set forth in the Workmen's Compensation Law with exceptions herein set forth, fixing terms and conditions for their operation under such law, providing cities and towns electing to come within the provisions of Workmen's Compensation Law may do so by creating a fund by taxation to pay claims arising under such operation or may contract with solvent insurance corporations for protection, and providing further that said cities and towns may cease to operate under said law by giving notice to the Industrial Accident Board, defining terms and declaring an emergency."

Read and referred to Committee on Labor.

By Senators Duggan and Hornsby:

S. B. No. 125, A bill to be entitled "An Act making it a misdemeanor, punishable by fine of not less than Fifty Dollars nor more than Two Thousand Dollars and in addition thereto imprisonment in the county jail for not less than thirty days nor more than six months, for any person who is the owner or part owner of any land, rural or urban, in this State which land is encumbered with a valid contract lien, to remove or knowingly to permit removal from said land any house, out-house, barn, garage, fence or other improvement thereon or to wilfully damage or destroy any such house, out-house, barn, garage, fence or other improvement thereon or to permit it to be done during the existence of such lien without consent of the holder of such lien, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Jan. 26, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 9, Relative to the order of procedure.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Resolution Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

H. C. R. No. 11.

At Ease.

On motion of Senator Cousins, the Senate, at 10:41 o'clock a. m., stood at ease subject to the call of the Chair.

In Session.

The Senate was called to order by Lieutenant Governor Edgar E. Witt, at 11:57 o'clock a. m.

S. C. R. No. 7.

On motion of Senator Blackert, the rule requiring committee reports to lie over one day was suspended by unanimous consent and the Chair laid before the Senate:

S. C. R. No. 7, Protesting abandonment of certain railroad trackage by the San Antonio, Uvalde and Gulf railway.

Read and adopted.

Senate Simple Resolution No. 29.

Senator Poage sent up the following resolution:

Whereas, By Senate Concurrent Resolution No. 5, the pay of the members of the Senate from the Eighth and Thirteenth Senatorial Districts was fixed at Eight Dollars per day on January 16th; and,

Whereas, Such Resolution passed the Senate without opposition, and was immediately sent to the House of Representatives for its action; and,

Whereas, Said House of Representatives did refer said Resolution to its Committee on Rules, which said Committee on Rules did thereafter make adverse report thereon and no minority report has been filed in said House of Representatives, so that for all practical purposes, said Resolution has died in the House of Representatives without any vote thereon, or without any opportunity for the membership of the said House to act on such Resolution; and,

Whereas, The Senators from the aforementioned Senatorial Districts have not up to this time drawn any per diem whatever; and,

Whereas, It is the desire of such Senators to fix their pay at Eight Dollars per day, and to do so in any manner which will definitely and finally fix, limit and determine the amount of compensation which they may draw so that there will not be any further sum or amount available to them; and,

Whereas, It was the belief of such Senators that such procedure should be had by means of a concurrent resolution, but since the adoption of said concurrent resolution, other members of the Senate have been authorized by simple resolution to fix their pay at Eight Dollars per day,

Now, Therefore, Be It Resolved by the Senate of Texas, That the per diem of the Senators from the Eighth and Thirteenth Districts be and the same is hereby fixed at Eight Dollars per day and no more.

POAGE,
DeBERRY.

The resolution was read.

On motion of Senator Woodruff, the Senate voted to instruct the Secretary of the Senate to communicate with the Attorney General to find out whether the Senate may by Senate Simple Resolution legally fix the salaries of certain named Senators at one sum and leave the salaries of other members of the Senate at another and different sum as provided by concurrent resolution, and also if, when such procedure is followed, the amount so fixed would be all that the Senators named could draw or whether it would be possible for such Senators, after drawing the lower amount so fixed, to later demand, as a matter of right, the Comptroller to issue warrants to them for the difference between the amount received and the amount fixed by concurrent resolution as the pay of all members of both Houses.

Senator Collie raised the point of order that the compensation of members could not be fixed by simple resolution.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

The motion prevailed.

Senator DeBerry received unanimous consent to be recorded as present and not voting on the motion.

Senate Simple Resolution No. 30.

Senator Small sent up the following resolution:

Whereas, At this session of the Legislature, there will undoubtedly be a great many measures introduced for consideration in the Senate of the State of Texas, involving many changes in the present laws and the abolition of departments and offices, and many intricate and difficult constitutional questions; and,

Whereas, The Senate should have within its employ a competent person who can give special legal advice to the Senate by assisting in preparing such measures as the various Senators shall deem necessary, and investigating the law relative to the constitutional and statutory provisions of the measures to be considered by the Senate, and by acting as a General Legislative Counsellor to the Senate; and,

Whereas, The employment of such a person would not only be of beneficial interest to the Senate in the advice and counsel that he could give, but a great deal more time would be given thereby to each Senator for the deliberation and consideration of the measures pending before the Senate; Now Therefore,

Be It Resolved By the Senate of the State of Texas, That the President of the Senate be, and he is hereby authorized to employ some competent lawyer of at least five (5) years actual practice and experience, to act as Counsellor for the Senate at this session, and such Counsellor shall attend to such matters for the Senate as shall be referred to him. He shall receive as compensation for such services the sum of Ten (\$10.00) Dollars per day, payable out of the appropriation for contingent expenses. He shall also be furnished office space and such books, supplies and equipment as shall be necessary, which equipment shall be furnished on order of the President of the Senate. The President of the Senate shall assign to him a stenographer from among the employees of the Senate, if one is available; if not available, such stenographer shall be appointed by the President of the Senate and shall be paid out of the contingent expense fund of the Senate.

Such Counsellor shall render such legal services to the members of the Senate as shall be referred to him for attention, but he shall not be

authorized or allowed to receive payment for, or render service to anyone else for matters pending before the Senate of Texas.

SMALL.

The resolution was read.

Senator Woodul sent up the following amendment:

Amend by adding that the Lieutenant Governor may employ additional stenographers for the Senators where needed and also for the various committees.

**WOODUL,
RAWLINGS.**

The amendment was read.

Senator Purl sent up the following amendment to be read but not considered until it was in order:

Amend S. S. R. No. 30, by striking out the words "the President of the Senate be and he is hereby authorized" in paragraph 4 and substitute the words "a committee of three members of the Senate be named by the Lieutenant Governor."

The amendment was read.

Committee Change Announced.

The Chair announced the appointment of Senator Purl as Chairman of the Committee on Insurance to succeed Senator Moore, resigned. Senator Moore retains his membership on the committee.

The Chair announced that Senator Duggan was added to the Committee on Public Land and Land Office.

Adjournment.

Senator Hornsby moved to recess until 2:30 o'clock p. m.

Senator Blackert moved to adjourn until 10 o'clock Monday morning.

Senator Purl moved to adjourn until 10 o'clock tomorrow morning.

The motion to adjourn until Monday morning at 10 o'clock prevailed by the following vote:

Yeas—14.

Blackert.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Moore.	Small.
Pace.	Stone.
Parr.	Woodul.

Nays—11.

Collie.	Duggan.
DeBerry.	Hornsby.

Murphy. Purl.
Neal. Russek.
Oneal. Woodruff.
Poage.

Absent.

Beck. Martin.
Cousins. Patton.
Greer.

Absent—Excused.

Woodward.

At 12:50 o'clock p. m., the Senate adjourned.

APPENDIX.

Committee Reports.

Committee Room,
Austin, Texas, Jan. 26, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Commerce and Manufacturing to whom was referred

S. C. R. No. 7,

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BLACKERT, Chairman.

ELEVENTH DAY.

Senate Chamber,
Austin, Texas,
January 30, 1933.

* The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Edgar Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent.

Fellbaum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Rawlings:

S. B. No. 126, A bill to be entitled "An Act establishing the procedure under which counties may adopt home rule charters, under Section 3, Article 9, of the Constitution."

Read and referred to Committee on Civil Jurisprudence.

By Senator Murphy:

S. B. No. 127, A bill to be entitled "An Act amending Article 3773, 1925 Civil Statutes, so as to provide that a judgment in courts of record will not become dormant where execution has issued on such judgment within ten years after its rendition, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Purl:

S. B. No. 128, A bill to be entitled "An Act to amend Article 2317 of the Revised Civil Statutes of Texas of 1925, relating to the administration of the affairs of a corporation; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senators DeBerry and Poage:

S. B. No. 129, A bill to be entitled "An Act amending Section 7j of Chapter 13, Acts of the Third Called Session, Forty-second Legislature, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Small:

S. B. No. 130, A bill to be entitled "An Act fixing the number and length of terms of district courts in Texas and prescribing rules of practice and procedure by specifying the requisites of citations issued out of district courts; specifying the manner and time for serving citations and making returns thereof, making demands for juries and payment and amount of jury fees; governing the